REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Interview

The Applicants would like to thank Examiner Chu for reviewing the draft claims submitted via fax on February 24, 2009. Further, the Applicants would like to thank the Examiner for providing detailed comments to the draft claims on February 25, 2009.

In response to the Applicants proposed draft claims, the Examiner commented that by replacing the original "recording medium" with the term "layer," the Shoji reference will be overcome (see item 1 of Examiner's comments). Additionally, the Examiner commented that the additional feature "Wherein a recording system at certain information layer .... is selected ..." requires clarification (see item 2 of Examiner's comments). Finally, the Examiner commented that that the original feature "polarity of a wobble signal ... is identical ..." should be emphasized in order to overcome Miyamoto (U.S. 7,417,942) (see item 4 of Examiner's comments).

Based on the helpful comments from the Examiner, independent claim 44 has been amended to (i) replace the term "recording medium" with the term "layer," and (ii) clarify the structure of the recording system. As a result, Applicants respectfully submit that the outstanding rejections are no longer applicable. The above-mentioned claim amendments and the differences between the claimed invention and the referenced prior art are discussed below in detail.

II. 35 U.S.C. § 102(e) Rejection

Claims 44 and 45 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Shoji et al. (U.S. 6,973,020). As mentioned above, independent claim 44 has been amended to distinguish the present invention from the Shoji reference. Thus, for the reasons discussed below, this rejection is clearly inapplicable to amended independent claim 44 and amended claim 45 that depends therefrom for the reasons discussed below.

Amended independent claim 44 recites an information recording medium for having information recorded thereto according to a wobble formed thereon and according to a recording system that is one of a groove-recording system and a land-recording system. Further, claim 44 recites that the recording system used at a specific information layer of the information recording medium is selected from either the groove-recording system or the land-recording system, such that the selected recording system is the only recording system used at the specific information layer. Moreover, claim 44 recites that a polarity of a wobble signal representing a wobble formed on the recording track of the specific information layer according to the groove-recording system is identical to a polarity of a wobble signal representing the wobble formed on the recording track of the specific information layer according to the land-recording system. Shoji fails to disclose or suggest the above-mentioned distinguishing features, as recited in claim 44.

Rather, Shoji teaches that information is recorded on both the groove tracks and the land tracks of a single recording layer (see col. 9, lines 5-9; col. 9, lines 22-25; and Fig. 4, wherein the address regions are provided on both the groove tracks and the land tracks).

Thus, in view of the above, it is clear that Shoji teaches that the information is recorded on both groove and land tracks of a single layer, but fails to disclose or suggest that the recording system used at a specific information layer of the information recording medium is selected from either the groove-recording system or the land-recording system, such that the selected recording system is the only recording system used at the specific information layer, as required by claim 44.

Additionally, Applicants note that as mentioned above in section I, the Examiner acknowledged that Shoji fails to disclose or suggest that only the selected recording system is used at the specific information layer of the recording medium.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 44 and claim 45 that depends therefrom are not anticipated by Shoji.

Furthermore, there is no disclosure or suggestion in Shoji or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Shoji to obtain the invention of independent claim 44. Accordingly, it is respectfully submitted that independent claim 44 and claim 45 that depends therefrom are clearly allowable over the prior art of record.

III. Miyamoto (U.S. 7,417,942) Reference

As mentioned above, in response to the Applicants' proposed draft claims, the Examiner commented that the original feature relating to the polarity of the wobble signal should be emphasized in order to overcome the Miyamoto reference.

Additionally, as mentioned above, claim 44 recites that a polarity of a wobble signal

representing a wobble formed on the recording track of the specific information layer according to the groove-recording system is identical to a polarity of a wobble signal representing the wobble formed on the recording track of the specific information layer according to the land-recording system. Miyamoto fails to disclose or suggest the above-mentioned distinguishing feature, as required by claim 44.

Rather, Miyamoto teaches that the polarity of the wobble signal in the lands is reversed from the polarity of the signal in the grooves (see col. 9, lines 52-54; col. 18, lines 62 and 63; and Figs. 8 and 16).

Thus, in view of the above, it is clear that Miyamoto teaches that the polarity of the wobble signals in the lands and grooves is reversed, but fails to disclose or suggest that a polarity of a wobble signal representing a wobble formed on the recording track of the specific information layer according to the groove-recording system is identical to a polarity of a wobble signal representing the wobble formed on the recording track of the specific information layer according to the land-recording system, as required by claim 44.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 44 and claim 45 that depends therefrom are not anticipated by Miyamoto.

Furthermore, there is no disclosure or suggestion in Miyamoto or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Miyamoto to obtain the invention of independent claim 44. Accordingly, it is respectfully submitted that independent claim 44 and claim 45 that depends therefrom are clearly allowable over the prior art of record.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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